

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA :
: :
: :
v. : : **Criminal No. 7:22-CR-00001**
: :
: :
JERALD FRANCIS GRAY : :

GOVERNMENT NOTICE REGARDING DISCOVERY MATERIALS

COMES NOW the United States of America, by counsel, and provides this notice regarding discovery materials pursuant to the Court's Order issued on March 18, 2022. The attendant justifications to protect each category are set forth after each category of discovery.

Discovery Provided Pursuant to Rule 16

1. Visual depictions of child sexual exploitation. This category of discovery is protected by statute, 18 U.S.C. § 3509(m). Defense counsel has been notified that he may review this discovery while it remains under the custody and control of the government, consistent with the statutory requirements.
2. Statements made by the defendant. The video of the first interview includes a brief discussion of prior allegations of child sexual assault; the entirety of the video includes law enforcement interview techniques. The report of the defendant's post-polygraph statements describes admissions to prior child sex assault with one or more named victims as well as an interest in child sex exploitative materials. Some of these admissions relate to an ongoing criminal investigation. Additionally, the subject matter raises safety concerns for the defendant

as well as institutional security issues. The public dissemination of the defendant's statement could jeopardize the fairness and integrity of the criminal proceedings.

3. Defendant's criminal history. Dissemination of this information is protected by both law and regulation. The protective order ensures that government disclosure complies with these legal restrictions.

4. Pictures taken by law enforcement during execution of a search warrant. This collection includes some pictures which depict a variety of sensitive and confidential materials; some implicate the privacy interests of third parties, including pictures of minor children as well as the personal effects of those who reside in the house other than the defendant, while a few other pictures depict sensitive information such as the defendant's financial information, names of computer files describing suspected child sex exploitative materials, copies of legal documents, and the name of one of the law enforcement officers executing the search.

Expansive Discovery Provided Beyond Rule 16

1. FBI Investigative Reports and related materials. This category includes information, including law enforcement means and methods, relevant to ongoing investigations related to the possession and distribution of child sex exploitation materials, as well as the names of identified victims and similar sensitive information. These materials would present serious institutional security concerns if possessed by a person held in custody.

2. State Investigative Reports, related materials, and internal communications. This category includes information regarding one or more named victims alleging sexual assault and relate to an ongoing criminal investigation.

Respectfully submitted,

CHRIS R. KAVANAUGH
UNITED STATES ATTORNEY

/s/ Matthew M. Miller
VA Bar No. 43034
Attorney for United States of America
U.S. Attorney's Office
310 1st Street SW, Suite 901
Roanoke, Virginia 24011
540-857-2250 (office)

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for defendant.

/s/ Matthew M. Miller
Assistant United States Attorney